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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,673	01/29/2001	Shinichi Takahashi	041514-5106	5427
9629	7590	06/03/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			MENEFFEE, JAMES A	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/770,673	<b>Applicant(s)</b> TAKAHASHI ET AL.	
	<b>Examiner</b> James A. Menefee	<b>Art Unit</b> 2828	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/2004 has been entered.

### ***Response to Amendment***

In response to the amendment filed 4/5/2004, claims 6-7 are added. Claims 1-7 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasuga (US 6,125,091). Kasuga discloses the claimed invention as follows:

Regarding claim 1, Kasuga discloses a laser diode chip for an optical pickup apparatus in which a plurality of light emitting portions 4,5 are formed on a substrate 3 for emitting laser

Art Unit: 2828

beams L1,L2, each of said plurality of light emitting portions 4,5 is provided for reading information recorded on a recording medium 25 and the laser beams have different wavelengths so as to correspond to different types of recording medium, where respective light emitting points of said plurality of light emitting portions 4,5 are located in different positions in the emitting direction (see Fig. 1 and the discussion thereof).

Regarding claim 2, the respective light emitting points of said plurality of light emitting portions 4,5 are located in an order in which a short wavelength (650 nm) of each of the laser beams (L2) emitted from the light emitting points is forward in the emitting direction as compared to an emitting direction of a longer wavelength (780 nm) beam (L1).

Regarding claim 4, the limitations are disclosed as in the rejection of claim 1 above, and there is further an optical system for guiding the laser beams emitted from the light emitting device to a recording surface of said recording medium and guiding a laser beam reflected by the recording surface to a photosensing device 11.

Regarding claim 5, the limitations are disclosed as in the rejection of claim 2 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuga in view of Tanaka (US 5,619,521). Kasuga discloses that the light emitting portions 4,5 are disposed on one

Art Unit: 2828

surface of a substrate 3, but it is not disclosed that a common electrode is formed on the other surface of the substrate. It is well known that when a number of light emitting devices are formed on a single substrate, that a common electrode may be formed on the opposite side of the substrate. See for example Tanaka. It would have been obvious to one skilled in the art to form a common electrode on the opposing side of the substrate because then both light emitting devices may be powered by running a voltage through a single electrode, thus simplifying the design of the device, as is well known.

#### ***Allowable Subject Matter***

Claims 6-7 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

There is not taught or disclosed in the prior art a laser device for an optical pickup where there are a plurality of light emitting portions formed on a substrate for irradiating a recording medium, where the beams emitted by the plurality of light emitting portions have different wavelengths according to the type of recording medium and are emitted in the same direction, where the emitting points of each light emitting portion are located at different positions in the emitting direction, and where the light emitting portions, including the substrate, are provided separate from the remainder of the optical system/pickup apparatus.

#### ***Response to Arguments***

Applicant's arguments filed 4/5/2004 have been fully considered but they are not fully persuasive.

Art Unit: 2828

Regarding claims 1-5, the examiner stands by the previous arguments, that the base portion 3 of Kasuga can be broadly construed as the substrate that includes both light emitting portions thereon, regardless of there further being an individual substrate below each particular light emitter.

However, after reconsideration of the applicant's arguments filed both 4/5/2004 and 1/28/2004, the examiner is convinced that the limitation of "the laser diode chip, including the substrate, is provided separate from" the optical pickup apparatus/optical system (as in claims 6-7) cannot be met by the art of record and these claims are allowed. See the reasons for indicating allowable subject matter above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Menefee whose telephone number is (571) 272-1944. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

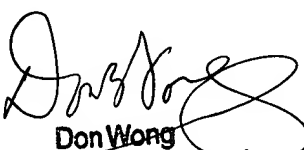
Art Unit: 2828

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JM

May 7, 2004



Don Wong  
Supervisory Patent Examiner  
Technology Center 2800